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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROSAURA DERAS, ALEXANDER
SANTIAGO, and MARIA ELENA
SANTIAGO, individually and on behalf of a
class of similarly situated individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Defendant.

CASE NO: 17-cv-05452

**STIPULATION CONTINUING CASE
MANAGEMENT CONFERENCE**

Judge: Jon S. Tigar

1 WHEREAS on September 20, 2017, Plaintiff Rosaura Deras (“Plaintiff”) filed her
2 Complaint;

3 WHEREAS on November 13, 2017, pursuant to a stipulated extension of time, Defendant
4 filed a motion to dismiss Plaintiff’s Complaint;

5 WHEREAS on November 24, 2017, Plaintiff filed a First Amended Complaint;

6 WHEREAS, pursuant to a stipulated extension of time, Defendant filed a motion to
7 dismiss the First Amended Complaint on January 15, 2018;

8 WHEREAS on May 16, 2018, the Court *sua sponte* continued the Case Management
9 Conference that was scheduled on May 23, 2018 to July 18, 2018, due to the Court’s
10 forthcoming decision and order on Defendant’s motion to dismiss;

11 WHEREAS on May 17, 2018, the Court issued its Order granting in part Defendant’s
12 motion to dismiss, with leave to file a further Amended Complaint;

13 WHEREAS on May 21, 2018, pursuant to a stipulated request, the Court continued the
14 Case Management Conference from July 18, 2018 to August 1, 2018;

15 WHEREAS on June 16, 2018, Plaintiffs filed a Second Amended Complaint;

16 WHEREAS on June 26, 2018, pursuant to stipulated request, the Court continued the
17 Case Management Conference that was scheduled for August 1, 2018 to December 12, 2018,
18 which the Court noted was “a date after determination of VWGoA’s motion to dismiss”;

19 WHEREAS, on July 27, 2018, pursuant to a stipulated extension of time, Defendant filed
20 a motion to partially dismiss the Second Amended Complaint, which was fully briefed by
21 September 13, 2018;

22 WHEREAS on October 25, 2018, the Court vacated the hearing on Defendant’s motion
23 to dismiss that was scheduled for November 1, 2018, finding the matter suitable for disposition
24 without oral argument;

25 WHEREAS Defendant’s motion to dismiss the Second Amended Complaint is *sub*
26 *judice*;

1 WHEREAS because the Court's ruling on Defendant's motion to dismiss the Second
2 Amended Complaint will determine which claims are subject to litigation, and will therefore
3 materially impact the Case Management Conference, as well as the formulation of an updated
4 Joint Case Management Statement, counsel jointly and respectfully requested, in accordance
5 with the Court's Order on June 26, 2018, that the Case Management Conference be held after the
6 Court decides Defendant's motion to dismiss the Second Amended Complaint,

7 WHEREAS based upon that request, the Court continued the Case Management
8 Conference from December 12, 2018 to January 23, 2019;

9 WHEREAS counsel for Plaintiffs has a calendar conflict with the presently scheduled
10 date for the Case Management Conference of January 23, 2019, and Defendant's motion to
11 dismiss the Second Amended Complaint is currently *sub judice*;

12 WHEREAS based upon Plaintiffs' counsel's conflict, and the fact that the determination
13 of the Motion to Dismiss will materially impact the Case Management Conference, counsel for
14 the parties have agreed, subject to the Court's approval, that the Case Management Conference
15 be continued from January 23, 2019 to March 20, 2019 at 2:00 p.m. or to a date thereafter that is
16 convenient to the Court, and that the date for filing an updated Joint Case Management
17 Statement be adjusted accordingly;

18 WHEREAS the agreed-to and requested continuance will not otherwise alter the date of
19 any event or deadline already fixed by Court order, and this stipulated request is being filed 14
20 days before the scheduled conference as required by Rule 6-1(b) of the Local Civil Rules of the
21 United States District Court for the Northern District of California;

22 NOW THEREFORE, pursuant to Rules 6-1(b) and 6-2 of the Local Civil Rules of the
23 United States District Court for the Northern District of California, it is hereby stipulated by and
24 between Plaintiffs and Defendant, through their undersigned counsel, and respectfully requested,
25 that the Court continue the Case Management Conference from January 23, 2019 to March 20,
26 2019, at 2:00 p.m., or to such other date thereafter that is convenient to the Court, and that the
27
28

1 current January 16, 2019 filing date for the updated Joint Case Management Statement be
2 extended accordingly.

3 **IT IS SO STIPULATED.**

4
5 Dated: January 7, 2019

THE LAW OFFICE OF STEPHEN M.
HARRIS, P.C.

6
7 By: /s/ Stephen M. Harris
Stephen M. Harris (SBN 110626)
8 Attorney for Plaintiffs

9
10 Dated: January 7, 2019

HERZFELD & RUBIN P.C.

11 By: s/ Michael B. Gallub
12 Michael B. Gallub (*pro hac vice*)
13 Attorney for Defendant,
Volkswagen Group of America, Inc.

14
15 PURSUANT TO STIPULATION, IT IS SO ORDERED:

16
17 The Case Management Conference is continued to _____

18
19 Dated:

20
21 _____
Jon S. Tigar, U.S.D.J.

ATTESTATION UNDER LOCAL RULE 5-1(i)(3)

I, Stephen M. Harris, am the ECF User whose ID and password are being used to file this Stipulation Continuing Case Management Conference pursuant to Civil L.R. 6-2. In compliance with Local Rule 5-1(i)(3), I hereby attest that Craig L. Winterman, and Michael B. Gallub, counsel for Defendant, have concurred in this filing.

Dated: January 7, 2019

By: s/Stephen M. Harris
Counsel for Plaintiffs